

1 Michael J. Gearin, WSBA # 20982
David C. Neu, WSBA # 33143
2 Brian T. Peterson, WSBA # 42088
K&L GATES LLP
925 Fourth Avenue, Suite 2900
3 Seattle, WA 98104-1158
(206) 623-7580
4
5

Honorable Christopher M. Alston
Chapter 11
Hearing Location: Seattle, Rm. 7206
Hearing Date: Wednesday, June 13, 2018
Hearing Time: 9:30 a.m.
Response Date: June 6, 2018

6 UNITED STATES BANKRUPTCY COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 In re:

10 NORTHWEST TERRITORIAL MINT, LLC,
11 Debtor.

Case No. 16-11767-CMA

**TRUSTEE'S REPLY IN SUPPORT OF
MOTION FOR ORDER ESTABLISHING
DEADLINE REGARDING DISPOSITION
OF ROSS HANSEN'S PERSONAL
PROPERTY**

13 **I. INTRODUCTION**

14 Mark Calvert (the "Trustee"), Chapter 11 Trustee for Northwest Territorial Mint, LLC
15 ("NWTM" or the "Debtor"), files this reply in support of his motion (the "Motion") seeking an order
16 establishing a deadline regarding disposition of Ross Hansen's personal property located in the
17 NWTM facility in Dayton, Nevada. Mr. Hansen has had ample opportunity to retrieve his personal
18 items. There is no valid reason that this Court should not grant the simple relief requested in the
19 Motion—that a deadline be set for Mr. Hansen to retrieve his personal items before the Trustee is
20 forced to vacate the Dayton premises.
21

22 **II. REPLY**

23 Nowhere in Mr. Hansen's response does he indicate why entry of a deadline is inappropriate.
24 Instead, Mr. Hansen attempts to attack the Trustee by inserting an issue which is not implicated by
25 the Motion - namely, the issue of preservation of business records. Mr. Hansen argues that this
26 Motion is related to the desire of Mr. Hansen and his criminal defense attorney to review records

TRUSTEE'S REPLY IN SUPPORT OF MOTION FOR
ORDER ESTABLISHING DEADLINE REGARDING
DISPOSITION OF ROSS HANSEN'S PERSONAL
PROPERTY - 1

501557436 v2

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 related to his defense. In reality, the Motion is nothing more than the Trustee's attempt to get
2 Mr. Hansen to remove his personal property from the Dayton premises, and to put an end to the
3 repeated accusations by Mr. Hansen that the Trustee will not allow him to get his property.

4 Mr. Hansen's personal property and the business records of NWTM are separate and distinct.
5 This Court has already ruled that the Trustee may not destroy or dispose of business records, and
6 Mr. Hansen, through his criminal counsel, has requested guidance from the United States District
7 Court regarding preservation of those records. The Trustee and the United States Attorney have
8 responded to the motion pending in the United States District Court, and are awaiting a ruling. The
9 status of the business records and the pending criminal proceeding is wholly irrelevant to the issue of
10 whether Mr. Hansen should avail himself of the Trustee's repeated offer for him to pick up his
11 personal items and this Court need not await the outcome of the pending motion in the criminal
12 proceeding to rule that Mr. Hansen must retrieve his personal items by a date certain. With respect to
13 the business records, the District Court will rule regarding issues of preservation, and the Trustee,
14 the Assistant United States Attorney, and Mr. Hansen will need to work together to figure out how to
15 meet the District Court's requirements.

16 Mr. Hansen seeks, in his response, entry of an order that would allow himself access to the
17 entire Dayton facility to review and catalogue all documents held in that facility. This request is
18 unnecessary, overbroad, and has nothing to do with this Motion. The Trustee has offered to package
19 the personal property of Mr. Hansen and have it available at the entryway to the facility, but Hansen
20 has chosen to not pick the property up. The Trustee has been seeking for more than two months for
21 Mr. Hansen to pick up his personal items but Mr. Hansen has refused to take any action.

22 Mr. Hansen states in his response that his travel to Dayton has been restricted by his arrest.
23 His arrest is no excuse for his failure to act. The emails from Ms. Christina Lacy of the US Probation
24 office indicate that permission to travel to Dayton to pick up his personal property was granted on
25 May 18, 2018. Nor is there any reason why a designated agent of Mr. Hansen cannot pick up the
26 property.

TRUSTEE'S REPLY IN SUPPORT OF MOTION FOR
ORDER ESTABLISHING DEADLINE REGARDING
DISPOSITION OF ROSS HANSEN'S PERSONAL
PROPERTY - 2
501557436 v2

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1
2 **III. CONCLUSION**

3 For the foregoing reasons, the Trustee respectfully requests that the Court establish a
4 deadline of June 30, 2018 regarding the disposition of Hansen's personal property.

5 DATED this 8th day of June, 2018.

6 K&L GATES LLP

7
8 By /s/ David C. Neu
9 Michael J. Gearin, WSBA #20982
10 David C. Neu, WSBA #33143
11 Brian T. Peterson, WSBA #42088
12 Attorneys for Mark Calvert, Chapter 11 Trustee
13
14
15
16
17
18
19
20
21
22
23
24
25
26

TRUSTEE'S REPLY IN SUPPORT OF MOTION FOR
ORDER ESTABLISHING DEADLINE REGARDING
DISPOSITION OF ROSS HANSEN'S PERSONAL
PROPERTY - 3

501557436 v2

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

CERTIFICATE OF SERVICE

The undersigned declares as follows:

That she is a paralegal in the law firm of K&L Gates LLP, and on June 8, 2018, she caused the foregoing document to be filed electronically through the CM/ECF system which caused Registered Participants to be served by electronic means, as fully reflected on the Notice of Electronic Filing.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

Executed on the 8th day of June, 2018 at Seattle, Washington.

/s/ Denise A. Lentz
Denise A. Lentz

TRUSTEE'S REPLY IN SUPPORT OF MOTION FOR
ORDER ESTABLISHING DEADLINE REGARDING
DISPOSITION OF ROSS HANSEN'S PERSONAL
PROPERTY - 4

501557436 v2

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022